

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 2, 10-12, and 37-48 have been amended. No new matter has been added. Claims 4-9, 13-21, and 34-36 have been canceled. Claims 1-3, 10-12, 22-33, and 37-48 remain pending in this application.

I. Claim Rejections - 35 U.S.C. § 103

On page 4 of the Final Office Action, Claims 1-3, 10-12, 22-33, and 37-48 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,649,089 to Kilner (hereinafter “Kilner”) in view of U.S. Patent No. 4,982,430 to Frezza et al. (hereinafter “Frezza”). Independent Claims 1, 2, and 10-12 have been amended. Applicants respectfully submit that Kilner and Frezza, alone or in combination, fail to disclose, teach, or suggest at least one element recited in each of independent Claims 1-3 and 10-12.

Amended independent Claim 1 recites, in part, “forming a first segment checksum for each said data segment in accordance with a method for forming a hashing value” (emphasis added). Although different in scope, Claim 10 recites similar elements. Amended independent Claim 2 recites, in part, “forming a second segment checksum for each said data segment in accordance with a cryptographic one-way function” (emphasis added). Although different in scope, Claim 11 recites similar elements. Independent Claim 3 recites, in part, “forming a first segment checksum for each said data segment in accordance with a type selected from the group consisting of a hashing value and a cryptographic one-way function” (emphasis added). Although different in scope, Claim 12 recites similar elements. Applicants respectfully submit that Kilner and Frezza, alone or in combination, fail to disclose, teach, or suggest such elements.

On page 4 of the Final Office Action, the Examiner appeared to rely on Kilner’s discussion of “reference no. 124” for its alleged disclosure of a “first segment checksum, which is formed for each of the data segment in accordance with a type selected from the group consisting of a hashing value and a cryptographic one-way function.” Applicants respectfully

disagree with the Examiner's characterization of Kilner. Kilner is directed to a "redundant controller system having an active controller (112) with an active data base and a standby controller (115) with a standby data base" (Abstract). The systems is configured to update "the standby data base to mirror the active data base including modifying a record [that includes] a record checksum [124]" (Abstract). Kilner further discloses that the "[checksum] 124 is a 16 bit CRC on the permanent data field portion of the record and is used to maintain data base integrity" (column 3, lines 43-45). However, Kilner does not appear to provide any indication that the "CRC 124" is formed either "in accordance with a method for forming a hashing value" or in accordance with a cryptographic one-way function," as claimed.

Accordingly, Applicants respectfully submit that Kilner fails to disclose, teach, or suggest "forming a first segment checksum for each said data segment in accordance with a method for forming a hashing value," as recited in Claims 1 and 10, "forming a second segment checksum for each said data segment in accordance with a cryptographic one-way function," as recited in Claims 2 and 11, and "forming a first segment checksum for each said data segment in accordance with a type selected from the group consisting of a hashing value and a cryptographic one-way function," as recited in Claims 3 and 12 (emphasis added).

Frezza fails to cure the deficiencies of Kilner. On page 5 of the Final Office Action, the Examiner relied on Frezza for its alleged disclosure of a "cryptographic operation to protect the first commutative checksum." Frezza is directed to an "[a]pparatus and method ... to enable on-line modification and upgrading of terminal software in a communication network while maintaining the integrity of the communication between a service provider and a subscriber using the network" (Abstract). However, Frezza, alone or in combination with Kilner, does not appear to disclose, teach, or suggest "forming a first segment checksum for each said data segment in accordance with a method for forming a hashing value," as recited in Claims 1 and 10, "forming a second segment checksum for each said data segment in accordance with a cryptographic one-way function," as recited in Claims 2 and 11, and "forming a first segment checksum for each

said data segment in accordance with a type selected from the group consisting of a hashing value and a cryptographic one-way function,” as recited in Claims 3 and 12 (emphasis added).

For at least the reasons above, Applicants respectfully submit that Kilner and Frezza, alone or in combination, fail to disclose, teach, or suggest at least one element recited in each of independent Claims 1-3 and 10-12 (and their various associated dependent claims). Applicants therefore request reconsideration and withdrawal of the rejection of Claims 1-3, 10-12, 22-33, and 37-48 under 35 U.S.C. § 103(a).

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants respectfully request consideration and allowance of all pending claims.

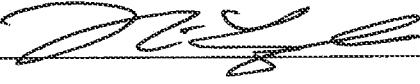
It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or

incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: January 13, 2012 By 

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